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**BY FACSIMILE**

November 7, 2007

The Honorable James C. Francis IV  
United States Magistrate Judge  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street – Room 1960  
New York, New York 10007-1312

Re: Adams, et al., v. City of New York, et al., 05 CV 9484 (RJS) (JCF)

Dear Judge Francis:

Defendants write regarding Lily Hughes-Dunn, a plaintiff in the captioned action. Defendants request that the Court enter an order that plaintiff Hughes-Dunn be produced for deposition on Tuesday, November 20, 2007 or some other date in November or December 2007 that is compatible with her schedule.


Plaintiff Hughes-Dunn's deposition has not yet taken place due to a scheduling error. In the spring of 2007, months before the Court entered the July 5, 2007 deposition scheduling order, the parties made efforts to schedule plaintiff Hughes-Dunn's deposition. Defense counsel exchanged emails in early March 2007 wherein the deposition was set up for April 2, 2007. In the interim weeks, the parties neither corresponded in connection with this deposition nor confirmed the deposition date on the business day immediately preceding April 2<sup>nd</sup>. On April 2, 2007, plaintiff Hughes-Dunn appeared at defense counsel's office for her deposition. Due to an internal scheduling error, defendants were not able to take plaintiff Hughes-Dunn's deposition on that day. Defendants requested that plaintiff Hughes-Dunn return on another mutually convenient day for her deposition. Plaintiffs' counsel refused this request.

In this 96 plaintiff action, this is the only occasion when defendants were unable to depose a plaintiff when he/she appeared. Additionally, unlike the current practice (subsequent to

the entry of the Court's July 5, 2007 deposition order) neither party confirmed the deposition in the business days immediately preceding April 2, 2007, to ensure the date, time and location of plaintiff Hughes-Dunn's was clearly understood.

Defendants would be severely and irreparably prejudiced if they were divested of the opportunity to depose plaintiff Hughes-Dunn considering she is making individualized claims, *inter alia*, of false arrest and psychological injury. Moreover, defendants are willing to depose plaintiff Hughes-Dunn on any date that is convenient to her schedule. Accordingly, defendants request entry of an order requiring plaintiff Hughes-Dunn to appear for her deposition on Tuesday, November 20, 2007, or some other convenient date in November or December 2007. V

Respectfully submitted,

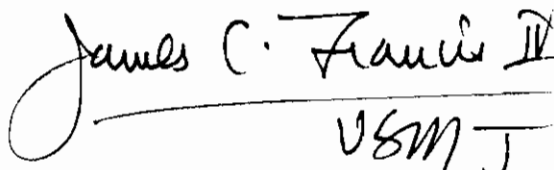
  
Jeffrey A. Daugherty

cc: Michael L. Spiegel, Esq.

11/27/07

Plaintiff shall appear for  
deposition on December 14, 2007,  
absent agreement among  
counsel on an alternative date.

SO ORDERED.

  
VSMJ